IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NOs. 238 OF 2007 & 387 OF 2007
IN
WRIT PETITION NO. 4945 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 22, 2007.

This Court has by judgment dated 17.10.2006 delivered in Writ Petition No. 4945 of 2005, given liberty to the petitioner – employer there to correct its errors and omissions subject to depositing 50% of the amount awarded by the Labour Court, Amravati, vide its judgment dated 25.5.2006. The amount was to be deposited within four weeks.

On account of certain difficulties, the Municipal Council could not deposit that amount within four weeks. The amount has been deposited but there is delay and hence Municipal Council has moved Civil Application No.387 of 2007 for its condonation. The employees (original respondents) have filed Civil Application No.238 of 2007 for recall/ review of the judgment dated 17.10.2006

with a request to restore the judgment of Labour Court dated 25.5.2006 for this non-compliance.

I have heard Shri Manoj Rajan, learned counsel for the employees and Shri Saboo, learned counsel for the petitioner. In the circumstances, I find that there was no deliberate design by the Municipal Council in not depositing the amount within four weeks. However, the fact remains that this Court has given concession to Municipal Council and directed it to deposit 50% of the amount. The employees are made to suffer on account of this. Hence, I permit employees to withdraw 50% of the amount deposited by the Municipal Council i.e. Rs. 67,500/- from Labour Court. Subject to such withdrawal, delay stands condoned.

In the circumstances, both Civil Applications are disposed of. No order as to costs. Withdrawal is without prejudice to the rights of employer – Municipal Council. If the employer – Municipal Council succeeds, it will be free to adjust that amount from the salary and other dues payable to the employees.

JUDGE

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